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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,901	10/17/2003	Youn Ho Nam	2080-3-181	1954
<div>35884 7590 09/11/2007 LEE, HONG, DEGERMAN, KANG &amp; SCHMADEKA 660 S. FIGUEROA STREET Suite 2300 LOS ANGELES, CA 90017</div>			<div>EXAMINER CHEN, QING</div>	
			<div>ART UNIT 2191</div>	<div>PAPER NUMBER</div>
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/687,901	NAM ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Qing Chen	2191	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 23 May 2007 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### DETAILED ACTION

1. This Office action is in response to the RCE filed on July 23, 2007.
2. **Claims 1-8** are pending.
3. **Claims 1, 4, 6, and 8** have been amended.
4. The objections to the oath/declaration are withdrawn in view of Applicant's submission of the supplemental oath/declaration.
5. The objection to the drawings due to a reference number not mentioned in the specification is withdrawn in view of Applicant's amendments to the specification. However, the objection to the drawings regarding labeling Figure 1 as "Prior Art" is maintained in view of Applicant's arguments and submission of the replacement drawing sheet and further explained below.
6. The objection to the specification regarding the use of the term "related art" is maintained and further explained below.
7. The objections to Claim 8 are withdrawn in view of Applicant's amendments to the claim. However, Applicant's amendments to the claims fail to fully address the objections to Claims 1-3 due to lack of explicit antecedent bases. Accordingly, these objections are maintained and further explained below.
8. The 35 U.S.C. § 112, first paragraph, rejections of Claims 1-5 are withdrawn in view of Applicant's arguments.
9. The 35 U.S.C. § 112, second paragraph, rejections of Claims 1 and 8 are withdrawn in view of Applicant's amendments to the claims. However, Applicant's amendments to the claims

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fail to fully address the rejection to Claim 2 due to insufficient antecedent basis. Accordingly, this rejection is maintained and further explained below.

### ***Response to Amendment***

#### ***Drawings***

10. Figure 1 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). The field of endeavor of the present invention and the art associated with Figure 1 both concern with upgrading system software of a home appliance. Figure 1 is depicted as a method of upgrading a home appliance that has drawbacks in which the present invention attempts to alleviate. More specifically, the drawbacks of having a user manually upgrading system software of a home appliance (*see Page 3, Paragraph [0009]*). Therefore, Figure 1 should be label as “Prior Art,” instead of “Related Art,” because Figure 1 illustrates a method of upgrading a home appliance that was done in the past. The MPEP suggests using such label to help understand Applicant’s invention by describing the state of the art—both past and current.

In the Remarks, Applicant stated that Figure 1 has been amended by way of a replacement drawing sheet to read “Prior Art.” However, the submitted replacement drawing sheet (05/23/2007) is still labeled as “Related Art” and, therefore, the objection is maintained. Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application.

Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the Examiner, the Applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### *Specification*

11. The disclosure is objected to because of the following informalities:

- All instances of the term "related art" in the specification should be changed to "prior art," since the art is already known and done in the past (see objection to the drawings above).

Appropriate correction is required.

***Claim Objections***

12. **Claims 1-4 and 6-8** are objected to because of the following informalities:

- **Claims 1 and 2** recite the limitation “the home network.” Applicant is advised to change this limitation to read “the local home network” for the purpose of providing it with proper explicit antecedent basis.
  - **Claim 3** depends on Claim 1 and, therefore, suffers the same deficiency as Claim 1.
  - **Claims 1 and 3** recite the limitation “the system software version.” Applicant is advised to change this limitation to read “the latest system software version” for the purpose of providing it with proper explicit antecedent basis.
  - **Claim 2** depends on Claim 1 and, therefore, suffers the same deficiency as Claim 1.
  - **Claim 4** contains a typographical error: the colon (:) after the last limitation should be deleted.
  - **Claims 6 and 8** recite the limitation “the local home network.” Applicant is advised to change this limitation to read “the home network” for the purpose of providing it with proper explicit antecedent basis.
  - **Claim 7** depends on Claim 6 and, therefore, suffers the same deficiency as Claim 6.
- Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

13. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

14. **Claims 2 and 8** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

**Claim 2** recites the limitation “the home appliance.” There is insufficient antecedent basis for this limitation in the claim. In the interest of compact prosecution, the Examiner subsequently interprets this limitation as reading “the selected home appliance” for the purpose of further examination.

**Claim 8** recites the limitation “the appliance company server.” There is insufficient antecedent basis for this limitation in the claim. In the interest of compact prosecution, the Examiner subsequently interprets this limitation as reading “the remote server” for the purpose of further examination.

***Claim Rejections - 35 USC § 103***

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

16. **Claims 1-3 and 8** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Takahashi et al.** (US 5,901,320) in view of **Kouznetsov et al.** (US 6,782,527).

As per **Claim 1**, Takahashi et al. disclose:

- reading a system software version of a selected home appliance from among a plurality of home appliances, wherein the system software of the selected home appliance is to be upgraded among said plurality of home appliances, wherein a home server is connected to each of said plurality of home appliances in a local home network, wherein the selected home appliance communicates via the home server and over the Internet with the appliance company server (*see Figure 1; Column 4: 9-13, "The system illustratively comprises a plurality of network elements (NE's) 1 such as optical multiplex transmitters and a monitoring apparatus (monitoring and control intelligence) 2 for centrally monitoring and controlling these network elements 1." and 28 and 29, "The versions of the program files for the CPU's 11 in each network element 1 are called a CPU issue each."; Column 5: 15-20, "The management means 22 first issues a command (e.g., RTRV-FILE-NVM) prompting the network element 1 to transfer the CPU issues*



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*of the programs being executed by the CPU's 11. In response, the network element 1 returns the CPU issues of the currently executing programs to the management means 22." ),*

- wherein the home server is a centralized local home server, which determines which one of said plurality of home appliances connected to it in the local home network require a software update (*see Figure 1; Column 4: 9-13, "The system illustratively comprises a plurality of network elements (NE's) 1 such as optical multiplex transmitters and a monitoring apparatus (monitoring and control intelligence) 2 for centrally monitoring and controlling these network elements 1." ; Column 5: 7-12, "When the version of a program being executed currently is to be changed to a new version of the program to be executed by a CPU 11 next is changed, the management means 22 selects the program to be transferred to the network element 1 in accordance with the generic issue in the corresponding configuration file held in the database 21." ),*

- reading a latest system software version corresponding to the selected home appliance from the appliance company server (*see Column 5: 20-23, "The returned CPU issues are compared with the CPU issues in that configuration file of the network element to which a change of the program version has been made." );*

- comparing the system software version of the selected home appliance in the local home network with the latest system software version of a corresponding selected home appliance in the appliance company server (*see Column 5: 20-23, "The returned CPU issues are compared with the CPU issues in that configuration file of the network element to which a change of the program version has been made." );*

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- if the latest system software version of the corresponding selected home appliance in the appliance company server is newer than the system software version of the selected home appliance in the local home network, downloading the system software of the corresponding home appliance from the appliance company server to the home server (*see Column 5: 20-25, "The returned CPU issues are compared with the CPU issues in that configuration file of the network element to which a change of the program version has been made. Upon comparison, the changed program file is selected as the program to be transferred to the network element 1."* and 57-63, "... the transfer means 23 retrieves from the database 21 the program file selected by the management means 22 as well as the configuration file in which the program file version has been changed, generates download data in which the program file and the configuration file are set, and transfers the download data to the network element 1."); and

- replacing the system software of the selected home appliance at home with the downloaded system software through the local home network by copying the downloaded system software from the home server to the selected home appliance (*see Column 5: 57-63, "... the transfer means 23 retrieves from the database 21 the program file selected by the management means 22 as well as the configuration file in which the program file version has been changed, generates download data in which the program file and the configuration file are set, and transfers the download data to the network element 1."*).

However, Takahashi et al. do not disclose:

- wherein a home server is connected to an appliance company server over an Internet;  
and

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- wherein a two-way communication connection is established between the home server and the appliance company server.

Kouznetsov et al. disclose:

- wherein a home server is connected to an appliance company server over an Internet (*see Figure 1: 101, 105, and 108*); and

- wherein a two-way communication connection is established between the home server and the appliance company server (*see Figure 1: 101*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kouznetsov et al. into the teaching of Takahashi et al. to include wherein a home server is connected to an appliance company server over an Internet; and wherein a two-way communication connection is established between the home server and the appliance company server. The modification would be obvious because one of ordinary skill in the art would be motivated to distribute software updates via a central location (*see Kouznetsov et al. – Column 3: 9-11*).

As per **Claim 2**, the rejection of **Claim 1** is incorporated; however, Takahashi et al. do not disclose:

- wherein the step of reading the system software version of the selected home appliance in the local home network is periodically performed.

Kouznetsov et al. disclose:

- wherein the step of reading the system software version of the selected home appliance in the local home network is periodically performed (*see Column 9: 43-46, "It is*

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*contemplated that agent 202 can access server 211 periodically, sporadically, or on demand, for example, to determine if a new script or components require download."*

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kouznetsov et al. into the teaching of Takahashi et al. to include wherein the step of reading the system software version of the selected home appliance in the local home network is periodically performed. The modification would be obvious because one of ordinary skill in the art would be motivated to determine if any program components or scripts have changed (*see Kouznetsov et al. – Column 9: 40-43*).

As per **Claim 3**, the rejection of **Claim 1** is incorporated; however, Takahashi et al. do not disclose:

- wherein the step of reading the latest system software version of the corresponding selected home appliance from the appliance company server is periodically performed through the Internet.

Kouznetsov et al. disclose:

- wherein the step of reading the latest system software version of the corresponding selected home appliance from the appliance company server is periodically performed through the Internet (*see Column 9: 43-46, "It is contemplated that agent 202 can access server 211 periodically, sporadically, or on demand, for example, to determine if a new script or components require download."*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kouznetsov et al. into the teaching of

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Takahashi et al. to include wherein the step of reading the latest system software version of the corresponding selected home appliance from the appliance company server is periodically performed through the Internet. The modification would be obvious because one of ordinary skill in the art would be motivated to determine if any program components or scripts have changed (see Kouznetsov et al. – Column 9: 40-43).

As per **Claim 8**, Takahashi et al. disclose:

- determining a first version of a software code locally available to a first appliance (see Figure 1; Column 4: 9-13, “The system illustratively comprises a plurality of network elements (NE’s) 1 such as optical multiplex transmitters and a monitoring apparatus (monitoring and control intelligence) 2 for centrally monitoring and controlling these network elements 1.” and 28 and 29, “The versions of the program files for the CPU’s 11 in each network element 1 are called a CPU issue each.”; Column 5: 15-20, “The management means 22 first issues a command (e.g., RTRV-FILE-NVM) prompting the network element 1 to transfer the CPU issues of the programs being executed by the CPU’s 11. In response, the network element 1 returns the CPU issues of the currently executing programs to the management means 22.”);
- determining a second version of a software code designated for the first appliance and remotely available for the first appliance (see Column 5: 20-23, “The returned CPU issues are compared with the CPU issues in that configuration file of the network element to which a change of the program version has been made.”);
- downloading the second version of the software code via the remote connection by way of the home server, in response to determining that the second version of the software code

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is newer than the first version of the software code (*see Column 5: 20-25, "The returned CPU issues are compared with the CPU issues in that configuration file of the network element to which a change of the program version has been made. Upon comparison, the changed program file is selected as the program to be transferred to the network element 1."* and 57-63, "... the transfer means 23 retrieves from the database 21 the program file selected by the management means 22 as well as the configuration file in which the program file version has been changed, generates download data in which the program file and the configuration file are set, and transfers the download data to the network element 1."); and

- replacing the first version with the second version (*see Column 5: 57-63, "... the transfer means 23 retrieves from the database 21 the program file selected by the management means 22 as well as the configuration file in which the program file version has been changed, generates download data in which the program file and the configuration file are set, and transfers the download data to the network element 1."*),

- wherein the first and second determining steps, and the downloading and the replacing steps for each of the plurality of appliances in the home network are performed by the home server (*see Figure 1; Column 4: 9-13, "The system illustratively comprises a plurality of network elements (NE's) 1 such as optical multiplex transmitters and a monitoring apparatus (monitoring and control intelligence) 2 for centrally monitoring and controlling these network elements 1."*),

- wherein the home server is a centralized local home server, which determines which one of said plurality of appliances connected to it in the home network require a software update (*see Figure 1; Column 4: 9-13, "The system illustratively comprises a plurality of network*

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*elements (NE's) 1 such as optical multiplex transmitters and a monitoring apparatus (monitoring and control intelligence) 2 for centrally monitoring and controlling these network elements 1.”; Column 5: 7-12, “When the version of a program being executed currently is to be changed to a new version of the program to be executed by a CPU 11 next is changed, the management means 22 selects the program to be transferred to the network element 1 in accordance with the generic issue in the corresponding configuration file held in the database 21.”).*

However, Takahashi et al. do not disclose:

- a remote server connected to the home server over a remote connection; and
- wherein a two-way communication connection is established between the home server and the remote server.

Kouznetsov et al. disclose:

- a remote server connected to the home server over a remote connection (*see Figure 1: 101, 105, and 108*); and
- wherein a two-way communication connection is established between the home server and the remote server (*see Figure 1: 101*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Kouznetsov et al. into the teaching of Takahashi et al. to include a remote server connected to the home server over a remote connection; and wherein a two-way communication connection is established between the home server and the remote server. The modification would be obvious because one of ordinary skill in the art would be motivated to distribute software updates via a central location (*see Kouznetsov et al. – Column 3: 9-11*).

17. **Claims 4-7** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Fitzpatrick** (US 2002/0012347) in view of **Takahashi et al.** (US 5,901,320).

As per **Claim 4**, **Fitzpatrick** discloses:

- selecting a system software of a home appliance to be updated from a data broadcast which provides upgrade information of the system software of home appliances (*see Paragraph [0059], "FIG. 10 is a flowchart of a STB process 430 of retrieving an upgrade within the STB using data carousels in the embodiment. In operation, when an upgrade is available (step 402), the upgrade server of the cable head end 10 transmits the download descriptor carousel throughout the cable network 11 to STBs 200 (step 404)."*);
- downloading the selected system software from an appliance company server to a home server through Internet, wherein the home server is connected to the home appliance in a local home network (*see Figures 1 and 6; Paragraph [0024], "The system 100 includes a service provider head end 10, remote server 48, Internet 44, audio/visual devices 26, Internet appliances 28, television 24, set-top box ("STB") 22, and remote control 36."*; Paragraph [0059], *"If linked descriptor is located in the descriptor carousel, it is downloaded and decoded to determine which module carousel will contain module upgrades for the STB (step 414) (for the particular STB model or software version)."*); and
- replacing the system software of the home appliance at home with the downloaded system software by copying the downloaded system software from the home server to the home appliance over the local home network (*see Paragraph [0059], "When the module carousel*



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*matches one in the descriptor file, the STB waits for the corresponding modules of the module carousel, downloads, and installs them (steps 420 and 422). The STB 200 may generate an acknowledgment message when it successfully completes installation of all the modules associated with a descriptor file (steps 424 and 426)."), and*

- wherein a two-way communication connection is established between the home server and the appliance company server (*see Figure 1: 44*).

However, Fitzpatrick does not disclose:

- wherein the home server is a centralized local home server, which determines which one of home appliances in the local home network require a software update.

Takahashi et al. disclose:

- wherein the home server is a centralized local home server, which determines which one of home appliances in the local home network require a software update (*see Figure 1; Column 4: 9-13, "The system illustratively comprises a plurality of network elements (NE's) 1 such as optical multiplex transmitters and a monitoring apparatus (monitoring and control intelligence) 2 for centrally monitoring and controlling these network elements 1."; Column 5: 7-12, "When the version of a program being executed currently is to be changed to a new version of the program to be executed by a CPU 11 next is changed, the management means 22 selects the program to be transferred to the network element 1 in accordance with the generic issue in the corresponding configuration file held in the database 21."*).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Takahashi et al. into the teaching of Fitzpatrick to include wherein the home server is a centralized local home server, which

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determines which one of home appliances in the local home network require a software update. The modification would be obvious because one of ordinary skill in the art would be motivated to provide a centralized surveillance and control of the home appliances (*see Takahashi et al. – Column 1: 49-52*).

As per **Claim 5**, the rejection of **Claim 4** is incorporated; and Fitzpatrick further discloses:

- wherein the home server is a set top box connected to a digital television receiver (*see Paragraph [0026], "The STB 22 may be coupled to the TV 24 ..."*).

As per **Claim 6**, Fitzpatrick discloses:

- transmitting a system software for a selected home appliance from an appliance company server to a broadcasting station through Internet (*see Figure 1; Paragraph [0024], "The system 100 includes a service provider head end 10, remote server 48, Internet 44, audio/visual devices 26, Internet appliances 28, television 24, set-top box ("STB") 22, and remote control 36."*; Paragraph [0025], *"The media server 12 and Software code update server 16 are coupled by a transmission medium 20 to the set top box (STB) 22."*);
- propagating a broadcasting stream including the system software (*see Paragraph [0046], "In this embodiment there are three communications channels between the cable head end 10 and the STB 200 that the Upgrade Client/Server system 266 can use to transfer data and receive request/acknowledge messages including the cable modem interface, the out of band ("OOB") channel, and the in band ("IB") data channel."*);

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- downloading the system software to a home server through a digital television receiver which receives the broadcasting stream, wherein the home server is connected to a plurality of home appliances in a home network (*see Figure 6; Paragraph [0026], "... system 100 further includes a TV 24, such as a digital television."; Paragraph [0059], "If linked descriptor is located in the descriptor carousel, it is downloaded and decoded to determine which module carousel will contain module upgrades for the STB (step 414) (for the particular STB model or software version)."*); and

- replacing the system software of the selected home appliance with the system software downloaded to the home server through the home network (*see Paragraph [0059], "When the module carousel matches one in the descriptor file, the STB waits for the corresponding modules of the module carousel, downloads, and installs them (steps 420 and 422). The STB 200 may generate an acknowledgment message when it successfully completes installation of all the modules associated with a descriptor file (steps 424 and 426)."*), and

- wherein a two-way communication connection is established between the home server and the appliance server (*see Figure 1: 44*).

However, Fitzpatrick does not disclose:

- wherein the home server is a centralized local home server, which determines which one of said plurality of home appliances connected to it in the home network require a software update.

Takahashi et al. disclose:

- wherein the home server is a centralized local home server, which determines which one of said plurality of home appliances connected to it in the home network require a software

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update (see Figure 1; Column 4: 9-13, "The system illustratively comprises a plurality of network elements (NE's) 1 such as optical multiplex transmitters and a monitoring apparatus (monitoring and control intelligence) 2 for centrally monitoring and controlling these network elements 1."; Column 5: 7-12, "When the version of a program being executed currently is to be changed to a new version of the program to be executed by a CPU 11 next is changed, the management means 22 selects the program to be transferred to the network element 1 in accordance with the generic issue in the corresponding configuration file held in the database 21.").

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teaching of Takahashi et al. into the teaching of Fitzpatrick to include wherein the home server is a centralized local home server, which determines which one of said plurality of home appliances connected to it in the home network require a software update. The modification would be obvious because one of ordinary skill in the art would be motivated to provide a centralized surveillance and control of the home appliances (see Takahashi et al. – Column 1: 49-52).

As per **Claim 7**, the rejection of **Claim 6** is incorporated; and Fitzpatrick further discloses:

- wherein the home server is a set top box connected to the digital television receiver (see Paragraph [0026], "The STB 22 may be coupled to the TV 24 ...").

***Response to Arguments***

18. Applicant's arguments with respect to Claims 1, 4, 6, and 8 have been considered, but are moot in view of the new ground(s) of rejection.

***Conclusion***

19. The prior art made of record and not relied upon is considered pertinent to Applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Qing Chen whose telephone number is 571-270-1071. The Examiner can normally be reached on Monday through Thursday from 7:30 AM to 4:00 PM. The Examiner can also be reached on alternate Fridays.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Wei Zhen, can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the TC 2100 Group receptionist whose telephone number is 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR

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system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

QC / ac  
August 4, 2007



WEI ZHEN  
SUPERVISORY PATENT EXAMINER